

(2018) 09 CHH CK 0273

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2574 Of 2018

Sachin Dwivedi

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 17, 2018

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench: Division Bench

Advocate: Renu Kochar, Gyan Prakash Dandekar, U.N.S. Deo

Final Decision: Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Writ application was filed by the Petitioner raising the grievance that the advertisement issued by Respondent No.4, Principal of Government

Ayurved Mahavidyalaya does not talk of any reservation for any physically handicapped category, for admission in various courses.

2. So far as the present Petitioner is concerned, he is interested in taking admission in M.S. Ayurved or M.D. Ayurved for the year 2018-19.

3. The stand of the State in their return is that absence of such details in the advertisement in no manner takes away the obligation created under the

Central legislation of providing reservation for physically handicapped category. They accept that people falling under the said category are given

being reservation and admission, but such reservation is horizontal reservation not vertical reservation.

4. In addition to that stand is also taken on behalf of the Respondents/State that as per the Chhattisgarh Ayurved Snatakottar Pathyakram (Ayurved

Vachaspati M.D. Ayurved / Dhanvantri - M.S.) Pravesch Niyam, 2013, notified by the State of Chhattisgarh, minimum of 50% marks is required to be

obtained in the AIA-PGET examination since he belongs to the unreserved category. However, the present petitioner could secure only 18.69% of

marks which in no manner makes him eligible or entitles for consideration for admission to the course.

5. An effort was made on behalf of the counsel for the Petitioner as if a different kind of eligibility is required to be provided for physically disabled

persons, which is not supported by any law or rule invoked and it cannot be so keeping in mind the nature of reservation which is provided for them

i.e. horizontal reservation.

6. It is one of those writ applications where a hue and cry was raised without the necessary foundation of fact or law being in place to beget

advantage of admission in the course in the University. Since the allegation of non provision of reservation is not made out nor does the Petitioner

qualifies to be granted benefit of admission because of his performance in AIA-PGET examination, the writ application is misplaced.

7. Writ has no merit. It is dismissed.